

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE

AIR CARGO SHIPPING SERVICES
ANTITRUST LITIGATION

06-MD-1775

ALL CASES

M.D.L. No. 1775
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MEMORANDUM

The court has received a letter from the Settlement Master appointed to recommend a procedure for the allocation of the settlement fund to be generated by the Lufthansa Settlement. The Settlement Master seeks answers to two related questions: whether his authority extends to making a recommendation concerning the portion of the fund to be allocated for fees and costs, and if so, whether the court wishes to offer guidance concerning the standards to be applied in making that recommendation.

As to the first question, the court always considered that the question of the aggregate amount of fees and costs to be paid from the fund was within the scope of the Settlement Master's role, along with the question of the allocation of that amount among the various plaintiffs' counsel. As to the standards to be applied, the Settlement Master's recommendation should be guided by precedent and other authorities that are either binding upon or otherwise cognizable by the district courts in the Second Circuit. It is expected, of course, that counsel will assist the Settlement Master in identifying and interpreting the applicable authorities.

Viktor V. Pohorelsky
VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
January 18, 2008